R.S.Q., c. C-25, s. 111

Quebec Statutes
Code of Civil Procedure
Book II -- Ordinary Procedure in Courts of First Instance
Title I -- Introduction of Actions and Applications, Appearance and Case Management [Heading amended 2002, c. 7, s. 14.]
Chapter I.1 -- Summons [Heading added 2002, c. 7, s. 14.]
Section 1 -- Content and Form of Motion [Heading added 2002, c. 7, s. 14.]
s 111.

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111.

A motion to institute proceedings is a concise written statement of the facts on which the action or application is based and the conclusions sought.
The motion is prepared and signed by the plaintiff or the attorney for the plaintiff.
Except where prohibited by law or by circumstances, a motion may be made jointly.

1965 (1st sess.), c. 80, s. 111; 1991, c. 20, s. 5; 1992, c. 57, s. 420; 1996, c. 5, s. 6; 2002, c. 7, s. 14

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EXHIBIT 1

R.S.Q., c. C-25, s. 119

Quebec Statutes
Code of Civil Procedure
Book II -- Ordinary Procedure in Courts of First Instance
Title I -- Introduction of Actions and Applications, Appearance and Case Management [Heading amended 2002, c. 7, s. 14.]
Chapter I.1 -- Summons [Heading added 2002, c. 7, s. 14.]
Section 1 -- Content and Form of Motion [Heading added 2002, c. 7, s. 14.]
s 119.

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119.

The motion to institute proceedings must be accompanied by a notice to the defendant to appear within the time limit indicated in order to file an answer to the action or application. The time limit is ten days from service of the notice, except where otherwise prescribed by this Code.
In addition, the notice to the defendant must state

119(1)
that the defendant is required to appear within the time limit indicated, failing which a judgment by default may be rendered against the defendant without further notice or extension;

119(2)
that if the defendant appears, the action or application will be presented before the court on the date indicated unless a written agreement is made by the parties before that date to determine a timetable for the orderly progress of the proceeding;

119(3)
that on the date indicated for presentation, the court may exercise such powers as are necessary to ensure the orderly progress of the proceeding;

119(4)
that the exhibits in support of the motion are available on request; and

119(5)
that the defendant may make a request to the clerk for the action to be disposed of pursuant to the rules of Book VIII if the defendant would be admissible as a plaintiff under that Book and the action would be admissible under that Book, and that if the defendant does not make such a request, the defendant could be liable for costs according to the rules applicable under the other Books of this Code.
The exhibits in support of the motion to institute proceedings must be disclosed in the notice to the defendant.
The notice must reproduce the text determined by the Minister of Justice.

1965 (1st sess.), c. 80, s. 119;
1996, c. 5, s. 9; 1999, c. 46, s. 2;
2002, c. 7, s. 16

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R.S.Q., c. C-25, s. 138

Quebec Statutes
Code of Civil Procedure
Book II -- Ordinary Procedure in Courts of First Instance
Title I -- Introduction of Actions and Applications, Appearance and Case Management [Heading amended 2002, c. 7, s. 14.]
Chapter I.1 -- Summons [Heading added 2002, c. 7, s. 14.]
Section II -- Service
§1. -- How service is made
s 138.

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138.

The judge or clerk may, on motion, if the circumstances so require, authorize a mode of service other than those provided by articles 120, 122, 123 and 130, particularly by public notice or by mail, unless such last mode is already authorized by the said articles.

The judge or clerk may also, upon inspecting the certificate of the person who has attempted to make the service, authorize him to serve the proceeding otherwise than in the manner provided in articles 123 and 130. The authorization must appear on the original of the certificate, which must then be filed in the office of the court. An entry of the authorization must be made on the copies of the written proceeding to be served. However, where the attempt to effect service was made by a bailiff or a sheriff and has been recorded in his certificate, the bailiff or sheriff may, without autorization, serve the proceeding by leaving on the premises a copy of the written proceeding intended for the addressee.

Any authorization under this article may be obtained in the district of the place in which the written proceeding is served, if such district is not that in which the proceeding was issued.

1965 (1st sess.), c. 80, s. 138; 1966, c. 21, s. 8; 1975, c. 83, s. 15; 1983, c. 28, s. 2; 1992, c. 57, s. 420; 1997, c. 42, s. 4

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